

REMARKS

This Amendment responds to the office action dated September 13, 2005.

The examiner has rejected claims 1-13, 15, 16, 18, 19 and 23-25 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,287,194 ("Lobiondo").

Claims 1, 4, 6, 9-11 and 17-25 have been amended to more particularly point out specific inventive aspects of the present invention. Claims 2-10 are dependent on claim 1, claims 12-17 are dependent on claim 11 and claims 19-22 are dependent on claim 18; these dependent claims comprise the novel elements of the amended independent claims on which they depend and are patentable for the reasons stated for these independent claims.

Regarding claim 1 and claims 2-10, dependent thereon, claim 1 has been amended to comprise the element of "combining said print task with said cluster printing selection thereby creating driver-dependent data." This element is not taught in Lobiondo.

Regarding claim 11 and claims 12-17, dependent thereon, claim 11 has been amended to comprise the element of "combining said print task with said cluster printing selection thereby creating driver-dependent data." This element is not taught in Lobiondo.

Regarding claim 18 and claims 19-22, dependent thereon, claim 18 has been amended to comprise the elements of "combining said print task with said cluster printing selection thereby creating driver-dependent data" and "modifying said spool data according to said cluster printing selection." These elements are not taught in Lobiondo.

Regarding claims 23-25, claims 23-25 have been amended to comprise the elements of “combining said print task with said cluster printing selection thereby creating driver-dependent data” and “modifying said spool data according to said cluster printing selection.” These elements are not taught in Lobiondo.

The examiner has also rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over Lobiondo (U.S. Patent No. 5,287,194) (“Lobiondo”) as applied to claim 11 above, and further in view of (U.S. Patent No. 5,982,996) (“Snyders”).

Claim 14 is dependent on claim 11 and comprises all the limitations thereof. Accordingly, claim 14 is now patentable for the reasons stated above in relation to claim 11 as the combination of Lobiondo and Snyders does not disclose the elements amended to claim 11. Furthermore, claim 14 comprises the element of “querying a printer driver” for “determining the output capacity of multiple printing devices.” The examiner cites Snyders (col, 7, line 66 – col. 8, line 21) as disclosing this element, however, Snyders, at this location, only discloses the use of alternative printer drivers with no connection to querying or printer capacity determination with a printer driver. Accordingly, claim 14 is allowable for this reason as well.

The examiner has also rejected claim 17 under 35 U.S.C. §103(a) as being unpatentable over Lobiondo (U.S. Patent No. 5,287,194) (“Lobiondo”) as applied to claim 11 above, and further in view of U.S. Patent No. 6,049,394 (“Fukushima”).

Claim 17 is dependent on claim 11 and comprises all the limitations thereof. Accordingly, claim 17 is now patentable for the reasons stated above in relation to claim 11 as

the combination of Lobiondo and Fukushima does not disclose the elements amended to claim

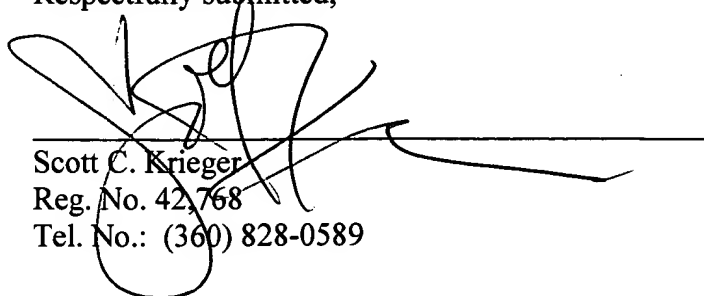
11. Furthermore, claim 17 comprises "determining the output capacity of *multiple* printing devices" by estimating via print system component. Fukushima teaches only the estimation of printer speed using the printer's own printer driver. Accordingly, claim 17 is also patentable for this reason as well.

The examiner has also rejected claims 20-22 under 35 U.S.C. §103(a) as being unpatentable over Lobiondo (U.S. Patent No. 5,287,194) ("Lobiondo") as applied to claim 18 above, and further in view of (U.S. Patent No. 5,128,878) ("Gore").

Claims 20-22 are dependent on claim 18 and comprise all the limitations thereof. Accordingly, claims 20-22 are now patentable for the reasons stated above in relation to claim 18. While Gore may teach some rasterization-related techniques, the combination of Lobiondo and Gore does not teach the elements amended to claim 18 and claims 20-22, which are dependent thereon. Accordingly, these claims are not thought to be patentable in their currently amended form.

Based on the foregoing amendments and remarks, the Applicant respectfully requests reconsideration and allowance of the present application.

Respectfully submitted,



Scott C. Krieger
Reg. No. 42,768
Tel. No.: (360) 828-0589